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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,764	07/25/2001	Raffie Eskandarian	60116-800US01	5610
7590 Anna M Vradenburgh 555 St Charles Drive Suite 107 Thousand Oaks, CA 91360		05/16/2007	EXAMINER SHERKAT, AREZOO	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,764	ESKANDARIAN, RAFFIE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Arezoo Sherkat	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

This office action is responsive to Applicant's amendment received on 3/6/2007.

Claims 1, 5, 9, and 14 are amended. Claims 18 and 19 are added. Claims 1-19 are pending.

***Response to Arguments***

Applicant's arguments with respect to claim 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithies et al., (U.S. Patent No. 6,064,751 and Smithies hereinafter), in view of Schuster, (U.S. Patent No. 6,304,677).

Regarding claims 1 and 5, Smithies discloses a data receiving device for accepting user indicia of authorization on a computer network having a user computer, wherein the user computer includes a display device and a pointer that defines locations on the display device, comprising:

an input device, wherein the input device is configured to control the pointer in the computer and configured to move the pointer in a continuous path on the display device (col. 4, lines 15-41), and a data processor, the data processor further comprising:

a software applet, wherein the software applet configures an input pad comprising a data receiving region, the data receiving region being defined by a matrix grid (col. 12, lines 37-67 and col. 13, lines 1-10 and col. 21, lines 55-67); and

a storage database (col. 8, lines 42-67), and a processing script, wherein the processing script receives the processed input user indicia and stores the user indicia in the storage database (col. 16, lines 62-67 and col. 17, lines 1-67).

Smithies discloses a system for capturing and verifying a handwritten signature wherein the signature capture module 4 analyzes the captured pen data and records certain measurements in form of a signature envelope to be verified against a template when the template is in enrolled condition. Smithies further discloses that because over the course of time an individual's signature will undergo gradual change, Smithies invention will in certain circumstances "**bend**" the signature envelope in favor of consistent variations in the behavior of signatory. This "bending" takes place subject to certain internal checks, and may optionally be suppressed by the client application (i.e., the "bending" is equivalent to applying the fitting algorithm to smooth user indicia input into the input pad as the Applicant defines it in the last paragraph of page 4 of the specification)(col. 15, lines 24-30).

Moreover, Schuster discloses an input device, wherein the input device is configured to control the pointer in the computer and configured to move the pointer in a continuous path on the display device, wherein movement of the input device is at a location remote from the display device and wherein such movement can be replicated by the pointer on the display device (col. 3, lines 15-39 and col. 15, lines 12-38).

Schuster further discloses a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input for display in the input pad (col. 7, lines 29-67 and col. 8, lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Smithies with teachings of Schuster because it would allow to include wherein movement of the input device is at a location remote from the display device and wherein such movement can be replicated by the pointer on the display device as suggested by Schuster. One of ordinary skill in the art would have been motivated by the suggestion of Schuster to allow the user to manipulate the input device (i.e., which is separate from the display device/monitor) such as a mouse or tablet to cause the system to form an image matching the user's motions (Schuster, col. 1, lines 10-22).

Regarding claim 9, Smithies discloses a method for receiving and processing user indicia of authorization on a computer network having a user computer, wherein the user computer includes an input device, a display device and a pointer that defines locations on the display device (i.e., a combination of a pen/digitizer and display 8 - col.

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7, lines 41-60 -- wherein it is inherent that with the pen/digitizer combined with the display 8 there has to be a pointer that defines the locations on the display device to capture and analyze such data), wherein the input device includes an entry member and is configured to move the pointer in a continuous path on the display device (col. 4, lines 30-41), comprising:

placing the pointer (i.e., pen-based hardware) within the data receiving region via the input device, depressing the entry member on the input device, moving the pointer within the data receiving region via the input device to create user indicia of authorization within the data receiving region (i.e., moving the pen or stylus across the screen)(col. 4, lines 30-41);

applying a fitting algorithm to the user indicia (col. 7, lines 44-60);

compressing the user indicia, and converting the compressed user indicia to a digital bitmap image (col. 13, lines 44-50), and

assigning a unique code to the user indicia, and storing the user indicia in a database (col. 14, lines 13-42).

presenting a user an HTML page containing an applet (i.e., client programs making use of the services of Smithies' modules – page 5, lines 54-65), wherein the applet configures an input pad (i.e., pen/digitizer display) having a data-receiving region on the display device (i.e., a form or window 20 (similar to that shown in Fig. 3) is shown on the computer screen and the gravity prompt 22 is displayed by the signature capture module 4)(col. 10, lines 10-67 and col. 11, lines 1-20).

Moreover, Schuster discloses an input device, wherein the input device is configured to control the pointer in the computer and configured to move the pointer in a continuous path on the display device, wherein movement of the input device is at a location remote from the display device and wherein such movement can be replicated by the pointer on the display device (col. 3, lines 15-39 and col. 15, lines 12-38).

Schuster further discloses applying a fitting algorithm to the user indicia, wherein the fitting algorithm is configured to smooth user indicia input for display in the input pad (col. 7, lines 29-67 and col. 8, lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Smithies with teachings of Schuster because it would allow to include wherein movement of the input device is at a location remote from the display device and wherein such movement can be replicated by the pointer on the display device as suggested by Schuster. One of ordinary skill in the art would have been motivated by the suggestion of Schuster to allow the user to manipulate the input device (i.e., which is separate from the display device/monitor) such as a mouse or tablet to cause the system to form an image matching the user's motions (Schuster, col. 1, lines 10-22).

Regarding claims 2 and 7, Smithies discloses a data receiving device as claimed in claim 1, wherein the software applet is configured to receive input data from the input device (col. 12, lines 37-67 and col. 13, lines 1-10).

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Regarding claims 3 and 8, Smithies discloses a data receiving device as claimed in claims 2 and 7, wherein the input data is a handwritten signature (col. 3, lines 45-50).

Regarding claim 4, Smithies discloses a data receiving device as claimed in claim 1, wherein the structure of the matrix grid is defined by pixel coordinates (col. 21, lines 55-67).

Regarding claim 6, Smithies discloses a system as claimed in claim 5, further comprising a data retrieval mechanism (col. 18, lines 9-65).

Regarding claim 10, Smithies discloses a method as claimed in claim 9, further comprising recording field information associated with the user indicia (col. 15, lines 1-10).

Regarding claim 11, Smithies discloses a method as claimed in claim 9, further comprising retrieving the stored user indicia (col. 11, lines 43-64).

Regarding claim 12, Smithies discloses a data receiving device as claimed in claim 4, wherein the user indicia is defined by the value of the pixel coordinates upon which the user indicia is deposited in the data receiving region (col. 12, lines 37-67 and col. 13, lines 1-10 and col. 21, lines 55-67).



Regarding claim 13, Smithies disclosure can be used as part of a security program to allow a user access to a computer network (i.e., Internet), as part of a word processing program or as part of an email program or in general any client program (Figure 3 and col. 5, lines 54-65).

Regarding claim 14, Smithies discloses a data-receiving device as claimed in claim 1, further comprising a data retrieval mechanism, wherein the data retrieval mechanism is configured to restrict access to the storage database (col. 18, lines 9-65).

Regarding claim 15, Smithies discloses a data receiving device as claimed in claim 1, wherein the input device further comprises an entry member, wherein the depression of the entry member activates the data input capability of the input device (col. 4, lines 4-41).

Regarding claim 16, Smithies discloses a system as claimed in claim 5, further comprising a participant computer, wherein the participant computer is assigned a participant code and a data retrieval mechanism (i.e., the database uses the concept of a person object to represent the template together with the unique identifying information)(col. 18, lines 1-67).

Regarding claim 17, Smithies discloses a system as claimed in claim 16, wherein the data retrieval mechanism is configured to restrict the access of the participant

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computer to the user indicia stored in the storage database which is associated with the participant code (col. 18, lines 1-67).

Regarding claim 18, Smithies discloses the method as claimed in claim 9, wherein applying a fitting algorithm further comprises:

segmenting the user indicia input by the input device into segments; and identifying control points each segment, wherein the distance between the control points is predefined and is associated with a predefined fitting criteria (col. 6, lines 59-67 and col. 7, lines 1-67).

Regarding claim 19, Smithies discloses the method as claimed in claim 18, wherein the fitting algorithm utilizes Bezier curves (col. 13, lines 15-34).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached PTO-892 for a complete listing.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner  
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May 9, 2007

  
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